



FEDERAL ELECTION COMMISSION

Washington, DC 20463

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MEMORANDUM

TO: The Commission

FROM: Thomasenia P. Duncan  
Acting General Counsel

Ann Marie Terzaken  
Acting Associate General Counsel for Enforcement

BY: Cynthia E. Tompkins *CET*  
Assistant General Counsel

Kamau Philbert *KP*  
Attorney *by CET*

SUBJECT: MUR 5629- Jim Newberry

**SENSITIVE**

At the Executive Session on March 7, 2006, the Commission made no formal finding as to Jim Newberry concerning his potential liability for failing to fully comply with the "stand by your ad" provision of the Federal Election Campaign Act of 1971, as amended. *See* Commission's Certification dated March 8, 2006 (Attachment 1). For the same reasons set forth in General Counsel's Report # 2 dated March 28, 2007 (taking no further action as to Newberry for U.S. Congress and R. Mark Morris, in his official capacity as treasurer), we recommend that the Commission dismiss this matter as to Jim Newberry. *See* Attachment 2.

Attachments:

1. Commission's Certification dated March 8, 2006.
2. General Counsel's Report dated March 28, 2007, and Commission's Certification dated April 3, 2007.

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